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Georg Halasy-Wimmer

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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The amendment filed on January 2, 2008 has been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32, 44, 55-57, 61 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 4,014,414).

Yamamoto et al. disclosed, as shown in fig. 1-4, a hydraulic vehicle brake equipped with a parking brake device, including a brake housing, a hydraulic service pressure chamber, a brake piston 34, a locking device 40, 42, and an energy accumulator 60 cooperating with the brake piston being equipped with a spring element 152, wherein the parking brake device is operable by a pressure (inlet 74) that is introduced into the service pressure chamber and enables charging the energy accumulator, an arresting unit 76, formed of at least two electromagnets (see fig. 4) with a coil that fulfils the function of a sensor (see Fig. 3 and col. 5, lines 7-16) for sensing the position of a slide 82 actuated by an armature 80 of the electromagnet, is provided which maintains the energy accumulator in its charged condition during service brake operations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of Mohr et al. (US 5,645,143).

Yamamoto et al. disclosed, as shown in fig. 1-4, a hydraulic vehicle brake equipped with a parking brake device, including a brake housing, a hydraulic service pressure chamber, a brake piston 34, a locking device 40, 42, and an energy accumulator 60 cooperating with the brake piston being equipped with a spring element 152, wherein the parking brake device is operable by a pressure (inlet 74) that is introduced into the service pressure chamber and enables charging the energy

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accumulator, an arresting unit 76, formed of at least one electromagnet with a coil that fulfils the function of a sensor (see Fig. 3 and col. 5, lines 7-16) for sensing the position of a slide 82 actuated by an armature 80 of the electromagnet, is provided which maintains the energy accumulator in its charged condition during service brake operations.

However Yamamoto et al. failed to disclose wherein the arresting unit formed of at least one piezoelectric actuator.

Mohr et al. teaches, as shown in fig. 1 and 1A, a braking system comprising a brake caliper with a piezoelectric actuator 14, 15.

It would have been obvious to one of ordinary skill in the art to merely use the known piezoelectric actuator into the brake system of Yamamoto et al., as taught by Mohr et al., as a matter of design choice in order to actuate the slide.

Response to Arguments

7. Applicant's arguments filed on January 2, 2008 have been fully considered but they are not persuasive.

Applicants argued in the Remarks that Yamamoto et al. (US 4,014,414) does not teach or suggest any electromagnet with a coil that fulfils the function of a sensor for sensing the position of a slide actuated by an armature of the electromagnet.

Examiner maintains the rejection is proper. Yamamoto et al. teaches the use of an electromagnet with a coil 78 that fulfils the function of a sensor (switch 114 and

contacts 115, 117 and lamps 116, 118 shown in fig. 3, see col. 5, lines 7-16) for sensing the position of a slide 82 actuated by an armature 80 of the electromagnet.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

February 28, 2008

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3683